HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 18288 OF 1995

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Dated 8th August, 2006

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Between:
Dr. M.Sathapathi and others

… Petitioners

And

The Government of Andhra Pradesh,
Represented by its Secretary, Health, Medical
and Family Welfare Department, Secretariat,
Buildings, Hyderabad.

… Respondent.

ORDER:

The petitioners, who are post-graduate doctors in M.D./M.S., have filed this writ petition questioning the memorandum dated 29.3.1995 issued by the first respondent-Government.

In the aforesaid memorandum, respondent-Government has clarified that the diploma awarded by the National Board of Examinations after basic M.B.B.S. is regarded as equivalent to M.D./M.S. and the Diplomate who is having teaching experience of one year as tutor can be re-designated as Assistant Professor/Civil Assistant Surgeon in his respective specialty.

It is the case of the petitioner that the said clarification issued in the impugned proceedings is contrary to the Medical Council of India Regulations. But, however, it is to be seen that no regulations, contrary to which the impugned memorandum was issued, have been stated and even the Medical Council of India has not been made a party to adjudicate the issue. The writ petition against the Director of Medical Education was dismissed by this court on 19.7.2000. In that view of the matter, the issue involved in this writ petition cannot be effectively adjudicated in the absence of Medical Council of India as a party respondent to the writ petition.

However, if the petitioners or any others feel aggrieved by the impugned memo, they are at liberty to challenge the same by making Medical Council of India as a party-respondent.

The writ petition, therefore, is dismissed. No costs.

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8.8.2006

(R.SUBHASH REDDY, J.)

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